

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

Mario E. Castro

2:17cv04375

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

THE BANK OF NEW YORK MELLON fka
THE BANK OF NEW YORK, AS THE TRUSTEE
for the certificate Holders of CWALT FNC,
ALTERNATIVE LOAN TRUST 2006-OAII MORTGAGE
Pass Through Certificates, Series 2006-OAII
" See attached "

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

Jury Trial: Yes No

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 03 2017 ★

LONG ISLAND OFFICE

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EDNY PRO SE OFFICE

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff: Name Mario E. Castro
Street Address 419 West Hills Rd.
County, City Melville
State & Zip Code NY. 11747
Telephone Number 917 513-7741

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name THE BANK OF NEW YORK MELLON
 Street Address 200 Park Ave
 County, City Manhattan, N.Y.C
 State & Zip Code N.Y. 10017
 Telephone Number 866 316 - 4706

Defendant No. 2

Name SHELL POINT MORTGAGE SERVICING
 Street Address 75 Beattie Place Suite 300
 County, City Greenville, S.C. 29601
 State & Zip Code _____
 Telephone Number 866 - 316 - 4706

Defendant No. 3

Name All Known and Unknown that
may make themselves present
through discovery and that
may become pertinent to
Telephone Number the case filed.

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions

Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

12 US Code §2605 e(1)(A)(B),(2)(A)(B)(C)(3)(4),(f)(1)(a)(B), Regx
3500.21(f)2.,TILA,12cfr1024.36(a), Fair Debt Collection Act, UCC Article 3§3-5019b)(1), UCC3-104
es seq. USC Title 18 part I chapter 25§541(a)(1)(2)(3)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (*name*) Mario E.Castro, is a citizen of the
State of (*name*) New York.

b. If the plaintiff is a corporation

The plaintiff, (*name*) _____, is incorporated
under the laws of the State of (*name*) _____,
and has its principal place of business in the State of (*name*)
_____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (*name*) _____, is a citizen of
the State of (*name*) _____. Or is a citizen of
(*foreign nation*) _____.

b. If the defendant is a corporation

The defendant, (name) Bank of New York Mellon fkaBank of NY, is incorporated under the laws of the State of (name) New York, USA, and has its principal place of business in the State of (name) New York USA.
 Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

To be determined by the Honorable Judge, based on allowed Laws regarding punitive and Judgement as arises in analysis of its entirety and severity of wrong doing.
 + 3 times unproven alleged Loan debt through profiting. (\$8445,000 x 3 and punitive.
 I have been paying since 2006, to countless organizations, have gone through economic loss and my family suffers. Stress, Depression as well as myself my credit has been affected
 my children fear being kicked out of our home & don't sleep well, my family is depressed.
 III. Statement of Claim I have suffered economic loss due to damage reporting
 of credit. We are being threatened with possible off placement
 Total \$2.335 million.

① Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.
 Defendants have sent me information requesting payments of mortgage.
 Plaintiff, Mario E. Castro has requested through administrative process, information from the defendants:
 SHELLPOINT MORTGAGE SERVICING and BANK OF NY MELLON fka BANK OF NY for the purpose of 1) VALIDATION OF DEBT CLAIMS through a QWR. On Feb 8, 2017 via US Post office and certified mail return signature receipt the QWR was mailed and was received by the Servicer: SHELLPOINT MORTGAGE SERVICING AND BANK OF NEW YORK MELLON and signed receipt of QWR on 2/9/2017, they have not responded to all relative questions on the QWR and was sent a notice of default affidavit on 4/14/2017 defendants named received and signed using US POST OFFICE certified mail return signature on 4/18/17.

(See continued Statement of claim)

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I, Mario E. Castro, Plaintiff request the the court to rule a Default Judgment in Mario E. Castro's favor, for the defendants (BANK OF NY MELLON fka BANK of NY and it's servicer SELLPOINT MORTGAGE SERVICING) failure to reply to the question of Validation of debt and standing and to properly provide proof owner in due course of debt. Failure to answer all questions in the QWR in time required. My family and I have suffered extensive stress and harassment, even though that the QWR (written), and I verbally over the phone, have requested no phone calls until the matter of proof of all pertinent questions on the QWR are answered.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under _____

the laws of the State of (name) _____, and has its

principal place of business in the State of (name) _____

Or is incorporated under the laws of (foreign nation) _____

and has its principal place of business in (name) _____

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

② (Continued) from prior page marked continue

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

~~and was signed for by defendants 4/18/2017~~. A third letter was sent in same fashion as above a Affidavit of fact Request for inspection of the wet ink note for physical validation and proof of Holder in due course, this letter was sent on 6/8/17 and signed for as received 6/18/17 by defendants. The defendants have refused to produce all answers requested as it regards to the validation of debt, proof of original and properly validated promissory note instrument(not a copy), along with proof of proper transfers, receipts, as well as proper ledger accounting arriving at for said debt. Pooling and servicing agreements on the alleged account #0578156729.

~~I request the court~~

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(foreign nation)

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
 Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Continued from claim ②

(3) Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

*Violation of my 14th Amendment rights "Life Liberty & Property"
 my family is being threatened with displacement from our home
 and not knowing where we will live, has caused fear and depression
 nightmares, school work for my children has faltered I have a difficult
 time working productively and effectively, thinking about not having
 a home when I am requesting basic validation of debt from entities
 not made known to me when my credit was used to profit*

IV. Relief *and abuse with out disclosure in proper my Credit
 and future of trying to recoup a fair life for my family
 has been destroyed. (Continued)*

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Currently as of 8/2/17 the calls have stopped. However the fear, depression, of my family being kicked out of our home has caused and continual letters stating the same has caused (irreparable) damage has been done. My children, wife, and self have nightmares of losing our home. I have continuous sleep deprivation, my children fear the future and it has effected their school education. My 14th Amendment rights have been violated. I have a right to due process. Rights under "Life, Liberty, and property, I was & continue to request proper validation to entities not made known to me at closing when my → (see relief continued)

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/2/16

Signature of Plaintiff



Mario E. Castro

Printed Name of Plaintiff

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

(relief continued.) My credit was profited for unauthorized profitting and enrichment by entities unknown.

The calls have stopped, but the damage of fear inducement to my family has not. Statements made by Shellpoint have been confusing, however the threats of foreclosure in writing when they have not validated proper document rights on their behalf that they have the right to take action from the alleged Loan holder or holder in due course have not been produced. (Wet ink signature of note requested has not been provided). The fear instilled on my wife, children have not been justified, nor should it, with out proof requested. The Honorable Judge is asked to intervene in stopping this fear through statements, restitution of credit and protection of my family's outlook in a safe home. I am a simple man seeking what is stated and respectfully seeking \$440,000 X 3 Times as allowed by law for the encroachment, misstatements, as allowed when unproven debt allegations and harrassment, depression, fear & unforeseen consequences to the violation of my family's rights have gone unanswered. Punitive damage (as the honorable judge sees justifiable) + monies paid since 3/2006 = as stated in controversy. 2.335 million for restitution.